

FAX

To Attn: Examiner Michael A. Brown, Group 3764

Company USPTO

Fax 703-872-9306

From Marjorie J. Pfeiffer

Tel 1-919-483-9038; Facsimile: 1-919-483-7988

E-mail marjorie.j.pfeiffer@gsk.com

Date November 22, 2004 Pages including cover 11

Subject Response to Official Action

GlaxoSmithKline
PO Box 13398
Five Moore Drive
Research Triangle Park
North Carolina 27709

Tel: 919 483 2100
www.gsk.com

Re: Application of Michael Birsha DAVIES
U.S. Serial No.: 09/914,999; Filed: November 13, 2001
Title: *Improvements Relating to an Inhalation Device*
Attorney Docket No. PG3619USw

Attached:

1. Transmittal Form (in duplicate) with a Certificate of Transmission (37 CFR 1.8(a))
2. Response to Official Action (9 pages)

The information contained in these documents is confidential and may also be privileged and is intended for the exclusive use of the addressee designated above. If you are not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, any disclosure, reproduction, distribution, or any other dissemination or use of this communication is strictly prohibited. If you have received this transmission in error please contact us immediately by telephone so that we can arrange for its return.

PTO/9B/21 (08-03)

Approved for use through 07/31/2008. OMB 0551-0031
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

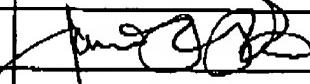
(to be used for all correspondence after initial filing)

		Application Number	09/914,999
		Filing Date	November 13, 2001
		First Named Inventor	Michael Birsha DAVIES
		Art Unit	3764
		Examiner Name	Brown, Michael A.
Total Number of Pages in This Submission		Attorney Docket Number	PG3619USw

ENCLOSURES (check all that apply)

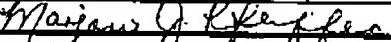
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD. Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		
Applicants believe that no fee is required for this submission. However, the Commissioner is hereby authorized to charge any fees required or credit any overpayment to Deposit Account No. 07-1392.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	James P. Rieck Registration No. 39,009 Telephone: (919)483-8022
Signature	
Date	November 22, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the

Typed or printed name	Marjorie J. Pfleiffer
Signature	
Date	November 22, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

NOV. 22, 2004 9:56AM

GLAXO WELLCOME

NO. 5726

P-2
RECEIVED
CENTRAL FAX CENTER

NOV. 22 2004

IN THE UNITED STATES PATENT OFFICE

Applicant : DAVIES, Michael B.
Application No. : 09/914,999
Filed : 11/13/2001
Title : IMPROVEMENTS RELATING TO AN INHALATION DEVICE

Grp./A.U. : 3764
Examiner : BROWN, Michael A.

Docket No. : PG3619USW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT B

The following Amendment B responds to the Official Action dated September 15, 2004, a first office action on an application filed in November 2001.

Amendments to the Claims begin on page 2 of this document.

Remarks appear on page 6 of this document.

Please amend the application as follows: